

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 KIEV 001313

SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [OSCE](#)

SUBJECT: UKRAINE ELECTION SNAPSHOT: IN TERNOPIL, TYMOSHENKO WINS BY A NOSE

REF: KIEV 1192

(U) Sensitive but unclassified. Not for Internet distribution. Please handle accordingly.

11. (SBU) Summary: We observed Ukraine's March 26 Rada and local elections in Ternopil city, capitol of the eponymous western oblast that voted 96% for Viktor Yushchenko in Ukraine's 2004 presidential election and 69% for Our Ukraine in the 2002 parliamentary elections. In 2006 voting for the parliament (Verkhovna Rada), Yuliya Tymoshenko's Bloc (BYuT) won a close victory over President Yushchenko's Our Ukraine (OU) in a race marred by observed and reported procedural irregularities (although of an unknown scale). In one instance, results we recorded during the vote count at Polling Station Commission (PSC) 44 differed from those delivered to the District Election Commission (DEC) 12 a few hours later, with 100 less votes reported for BYuT and 10 more for OU. At the same PSC, partisan observers alleged that 200 ballots had been issued without voters signing the voter list, a local election candidate had been "helping" with the vote count, and eight unmarked, unaccounted for ballots were found lying around the PSC. At another PSC located in a home for the elderly, the home director, who was running for the village council, was present during voting, and the staff were asking whether residents had voted for the director. End summary.

Tymoshenko wins in the west

12. (SBU) Conventional wisdom heading into the March 26 elections was that Our Ukraine would take western Ukraine, BYuT the center, and Regions the east and south. On election day, though, BYuT met with success in the west, scoring pluralities in Rivne (reftel), Volyn, Khmelnytsky, Chernyvtsi, and Ternopil oblasts, in addition to taking pluralities in nine central regions. (Note: Our Ukraine won Ukraine's three westernmost oblasts, while Regions won in 10 southern and eastern regions.) BYuT's margin over Our Ukraine in Ternopil was a razor-thin 0.33% of the vote (or 2189 votes, 34.48% to 34.15%). Third place went to the rightist Ukrainian People's Bloc of Kostenko and Plyushch with 10.18% (since they did not pass the 3% barrier nationwide, they will not be represented in the national Rada), followed by the Socialists (3.64%), Pora-PRP (3.09%), and Regions (2.01%). In the 2002 Rada elections, only two parties passed the then-4% barrier to enter the national Rada, with OU winning a commanding 69.01% in Ternopil to BYuT's 18.83%. Ternopil was solidly Orange during Ukraine's 2004 presidential race, delivering 96% to Yushchenko during the December 26 revote.

13. (SBU) An Embassy team directly accredited with the Central Election Commission (CEC) observed the election in Ternopil, a city of 220,000 people, the capitol of Ternopil Oblast, an agrarian region of Ukraine with a population of 1.1 million. President Viktor Yushchenko graduated from the Ternopil Institute of National Economy. In Ternopil, we observed the elections at a District Election Commission (DEC 165) overseeing the Rada election, two Territorial Election Commissions (TECs - charged with overseeing the local elections), and eight Polling Station Commissions (PSCs).

PSC 44 - incompetence or fraud?

14. (SBU) While the conduct of the elections was largely free and fair, some irregularities appeared to occur at PSC 44 (DEC 165), where we recorded the vote count results from the PSC protocol. The PSC chair inexplicably did not deliver these results to the DEC until 12 hours later; the protocol delivered contained different numbers from the ones we recorded, with 100 less votes for BYuT and 10 more votes for OU. When the inaccurate protocol from PSC 44 was brought to the attention of the DEC chair, he left the room, then told his staff to "do what you want." None of the DEC commissioners seemed to understand the issue, and no decision was taken. Finally, the PSC chair decided on her own to go to another room and recount the ballots. Strangely, the packages of actual counted ballots had the correct information recorded on them, as opposed to the incorrect numbers recorded on the protocol. OSCE/ODIHR observers covering the same DEC noted that other protocols were being

delivered with incorrect numbers, raising the question of how many voters in DEC 165 may have disenfranchised due to counting/recording errors.

15. (SBU) In other potential violations at PSC 44, observers representing the Pora-PRP and Kostenko-Plyushch blocs claimed they had videotaped 200 voters receiving ballots without signing the voter list; they requested the PSC chair sign their challenge to the results. When the chair refused to do so, the partisan observers said they would appeal in court, since 200 voters represented more than 10% of the total number of voters at the PSC, constituting grounds under Ukrainian election law to throw out the PSC's results. We were unable to follow up with these observers regarding their potential court challenge, but as of March 30 the results for PSC 44 appeared unchanged on the CEC website. We also found 8 unmarked ballots that contained voters' names (voters must sign their ballots when they receive them) lying around the voting premises of PSC 44 during the vote count. One commissioner said that these ballots had mistakes and would be destroyed later, but the unused ballots had already been tallied and packaged for transfer to the DEC. We are unsure how these ballots were accounted for on the PSC protocol (note: there is a line for spoiled ballots -- those which have more than one party marked, for instance -- separate from the "vote against all" category").

A little help from my friends?

16. (SBU) Another issue of concern we saw in Ternopil was observers or candidates intervening in the election process. At PSC 44, a candidate for the municipal council, present as an observer, participated in the vote count under the pretext of "helping out," in violation of regulations. Similarly, at DEC 165 a BYuT observer "helped" correct a protocol, until it was mentioned that this was the responsibility of the DEC commissioners. At PSC 6, located at a senior citizens home, the home's Director, who was running as a candidate for the village council, was present during the vote. We overheard a nurse from the facility helping the elderly vote asking, "Do you support our Director as a member of the village council?" The residents inevitably replied in the affirmative.

Poor organization

17. (SBU) Disorganization led to some long lines; voters at PSC 37 waited approximately two hours to vote. Despite the long lines, people appeared willing to wait. PSCs complained to us that they were not provided with sufficient funding, often having to supply their own phones, pens and paper; in one instance, we observed a fight over the sturdy brown paper used to package the ballots for delivery to the DECs/TECs. There was much grumbling that the 150 hryvnya pay (125 hryvnya after taxes, about \$25) for working on a PSC was not sufficient compensation for the long hours of work involved.

18. (U) Visit Embassy Kiev's classified website:
www.state.sgov.gov/p/eur/kiev.
Herbst